

ADOT Title VI

General Compliance Requirements



OVERVIEW

The Arizona Department of Transportation (ADOT) is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (“Title VI”).



WHAT IS TITLE VI?



TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance.”



ADDITIONAL PROTECTED GROUPS : FOR FHWA

Federal Aid Highway Act of 1973, Section 504 of the 1973 Rehabilitation Act, and the 1975 Age of Discrimination Act, extends requirements of Title VI to include the prevention discrimination on the grounds of age, sex, disability, and, income status.



TITLE VI APPLIES INSTITUTION-WIDE

Civil Rights Restoration Act of 1987- added the requirement that Title VI applies institution-wide; it is not limited to the program that receives federal funding (e.g., planning, capital, operations)



PROTECTED CLASSES FTA vs FHWA

FTA

- Race
- Color
- National Origin
 - Limited English Proficiency

FHWA

- Race
- Color
- National Origin
 - Limited English Proficiency
- **Age**
- **Sex**
- **Disability**
- **Income Status**

TITLE VI REQUIREMENTS-THE DIFFERENCES



KEY ELEMENTS OF A TITLE VI PROGRAM PLAN FTA vs FHWA

Both Require

- ☐ Policy Statement
- ☐ Organization and Staffing
- ☐ Data Collection
- ☐ Subrecipient Review Procedures
- ☐ Training
- ☐ Complaint Procedures
- ☐ Dissemination of Title VI Information
- ☐ Language Access Plan (*LEP Plan*)
- ☐ Public Involvement Plan
- ☐ Environmental Justice
- ☐ Goals and Accomplishment Reports (**NEW For FTA**)

FHWA

- ☐ Signed Assurances
- ☐ Signed Delegation of Authority
- ☐ Program Area Review Procedures
- ☐ Special Emphasis Program Review Procedures

FTA

- ☐ Equity Analysis
- ☐ Approval- Must provide meeting minutes



LESSONS LEARNED....

FTA

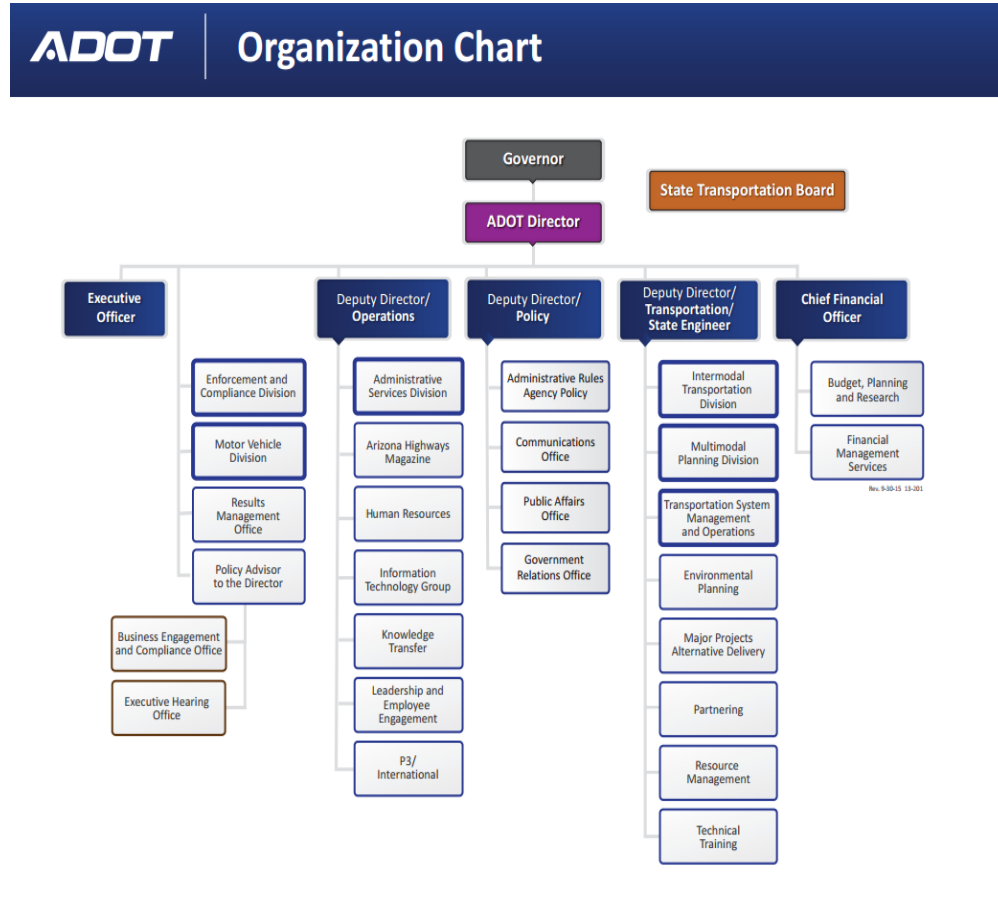
- Protected Classes
 - **Only** Race Color and National Origin
- Notice to the Public
- Improvement of Title VI Plan Template
- Better Oversight of Sub-Recipients
- More Training
- Better/Updated Language Access Plans
- Better/ More Comprehensive Data Collection
- Electronic Access
 - T6 Plan
 - Complaint Process
 - Complaint Form

FHWA

- Improvement of Title VI Plans
- Better Oversight of Sub-Recipients
- More Training
- Better/Updated Language Access Plans
- Better/ More Comprehensive Data Collection
- Electronic Access
 - T6 Plan
 - Complaint Process
 - Complaint Form

ORGANIZATION AND STAFFING

- ❑ Assign a Program Coordinator to administer the Title VI program;
- ❑ Describe the relationship between the coordinator and the head of the agency;
- ❑ Include an organizational chart;



ASSIGN A PROGRAM COORDINATOR

- ❑ Make sure the assigned person **KNOWS** they are the Title VI Coordinator
- ❑ Knowledgeable about the process of filing a complaint & Title VI
- ❑ Logging and Tracking Complaints
- ❑ Attending Trainings, Provide Org employees training
- ❑ Monitor Subcontractors and Consultants
- ❑ Maintain and Manage Nondiscrimination Records
- ❑ Provide ADOT with a Title VI reports and yearly report and updates.

- ❑ **Title VI Program Coordinator **MUST** have decision making authority to make resolutions for the agency **(We would not recommend aministrative assistants in this position).****

NOTICE TO THE PUBLIC

Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI.



NOTICE TO THE PUBLIC

Notifying the Public of Rights Under Title VI

THE CITY OF USA

- ▶ The City of USA operates its programs without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- ▶ For more information on the City of USA's civil rights program, and the obligations and procedures to file a complaint, contact 800-656-1234, (TTY 800-656-4567); email title.VIcomplaint@abc.org; or visit our administrative office at 1234 Center Street, Anywhere, CA, 17970. For more information, visit www.city.usa.ca.us
- ▶ A complainant may file a complaint directly with the Arizona Department of Transportation or the Federal Transit Administration by filing a complaint directly with the corresponding office of Civil Rights: **ADOT**: ATTN Title VI Program Manager 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: Attention Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590
- ▶ If information is needed in another language contact, 800-656-1234 **MAKE SURE THIS SENTENCE IS ALSO PROVIDED IN THE OTHER LANGUAGE(S)**



ADOT'S TITLE VI NOTICE TO THE PUBLIC

The Arizona Department of Transportation (ADOT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, national origin, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which ADOT receives Federal financial assistance.

Any person, who believes his/her Title VI protection has been violated, may file a complaint. Any such complaint must be in writing and filed with the ADOT Civil Rights Office, Title VI Program Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the ADOT Civil Rights Office by contacting:

AVISO PUBLICO DE ADOT SOBRE EL TITULO VI

El Departamento de Transportación del Estado de Arizona ADOT da aviso al público que es la norma de esta agencia asegurar cumplimiento total con el Título VI de la Ley de los Derechos Civiles de 1964, la Ley de Restauración de 1987, y artículos relacionados y regulaciones en todos los programas y actividades. El Título VI requiere que ninguna persona será discriminada por razón de raza, color, país de origen, sexo, edad o discapacidad; será excluida de participar en, denegar servicios de programas, ayudas o beneficios por ningún programa o actividad financiados por el gobierno federal.

Cualquier persona que crea que se ha violado su protección bajo el Título VI, puede presentar una queja. Esta queja debe ser por escrito con la Oficina de Derechos Civiles de ADOT dentro de los ciento ochenta (180) días de la fecha en que se alega que la discriminación ocurrió. Para recibir formularios de reclamo por favor póngase en contacto con la oficina ADOT Oficina de Derechos Civiles:

LUCY SCHRADER
TITLE VI PROGRAM MANAGER

ADOT Civil Rights Office
206 S. 17th Avenue, Mail Drop 155-A
Phoenix, AZ 85007
602.712.8946
602.235.6257 FAX

azdot.gov

WHERE TO POST YOUR NOTICE TO THE PUBLIC

- The Notice to the Public must be displayed at the following locations:
 - On your agency's website
 - At the office's reception desk
 - In any public meeting rooms or facilities
 - Transit shelters and/or stations
- **The “Notice to the Public” should be placed in areas with customer traffic.**

DATA COLLECTION

Sub-recipients should develop a process for collecting data. The process should explain the following:

- How the sub-recipient collects data
- What data is collected
- How the data is analyzed
- How the data is used

RESOURCES and TECHNIQUES FOR DATA COLLECTION

- American Fact Finder
- Local Colleges/ Universities
- Survey of Public Meetings
- Door to Door visits of affected
- Metropolitan Planning Organizations
- Last Resort Census

TRAINING

Training is required of the sub-recipient staff members :

- ☐ Describe how and when the Title VI Program Coordinator and other employees within the agency will be trained on Title VI Program requirements and responsibilities.

COMPLAINT PROCEDURES

In order to comply with the reporting requirements all recipients must develop procedures for investigating and tracking Title VI complaints filed against them and make it available to the public.



FTA GUIDANCE

SAMPLE Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of USA Transit Authority (hereinafter referred to as “the Authority”) may file a Title VI complaint by completing and submitting the agency’s Title VI Complaint Form. The City of USA Transit Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Authority has XX days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has XX business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

FHWA GUIDANCE

Develop procedures for prompt processing and disposition of Title VI complaints received directly by the Agency and not by ADOT. Complaints shall be investigated by civil rights personnel trained in compliance investigations. Identify each complainant by:

- race, color, sex, or national origin;
- the recipient;
- the nature of the complaint;
- the dates the complaint was filed and
- the investigation completed;
- the disposition;
- the date of the disposition; and
- other pertinent information.

Each agency processing Title VI complaints shall be required to maintain a similar log. A copy of the complaint, together with a copy of the Agency's report of investigation, must be forwarded to the ADOT's Civil Rights office within 60 days of the date the complaint was received.

COMPLAINT FORM

Recipients must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form **MUST** be available on the recipient's **website**. A recipient's Title VI Complaint Form shall specify the protected classes and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination.


If necessary, the procedure should be provided in English *and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold*.



COMPLAINT FORM

- ☐ Must have the protected classes
 - Race, Color, National Origin (**FTA** and **FHWA**)
 - Age, Sex, Disability (**FHWA** only)
- ☐ Must be available online
- ☐ Must be written
- ☐ Must have the complainant's full contact information
- ☐ Must be signed by complainant

COMPLAINT FORM



15-0800 R12/15 adot.gov

ADA/Title VI Complaint Form

Note: *The following information is needed to assist in processing your complaint.*

Complainant's Information: Clear

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

Person discriminated against (someone other than complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

Which of the following best describes the reason you believe the discrimination took place?

☐ Race/Color (Specify) _____ ☐ National Origin (Specify) _____

☐ Sex (Specify) _____ ☐ Age (Specify) _____ ☐ Disability (Specify) _____


On what date(s) did the alleged discrimination take place? _____

Where did the alleged discrimination take place? _____

What is the name and contact information of the person(s) who discriminated against you (if known)? _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).

Page 1 of 2



15-0800 R12/15 adot.gov

ADA/Title VI Complaint Form

List names and contact information of persons who may have knowledge of the alleged discrimination.

Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Check all that apply.

☐ Federal Agency ☐ Federal Court ☐ State Agency ☐ State Court ☐ Local Agency

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Work Phone Number: _____

Please sign below. You may attach any written materials or other information you think is relevant to your complaint.

_____ Number of attachments: _____

Complainant Signature Date

Submit form and any additional information to:

ADOT Civil Rights Office
CivilRightsOffice@adot.gov
ADA/Title VI Nondiscrimination Program Coordinator
206 S. 17th Avenue, Maildrop 155A
Phoenix, AZ 85007
Phone: 602.712.8846 Fax: 602.239.6237
www.adot.gov

Submit

Please click the submit button when you have completed.
This form is open to email and send to adot@phoenixadot.gov
Additional documents may be attached to the email.

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COMPLAINT FORM



Forma Para Poner una Queja (De Acuerdo Al Título VI)

Nota: La siguiente información se necesita para procesar su queja.

Información de la persona que está poniendo la queja:

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono(Casa): _____
Teléfono (Trabajo): _____

Persona A La Que Se Discriminó (alguien que no sea la persona que está poniendo la queja)

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono(Casa): _____
Teléfono (Trabajo): _____

¿Cuál de las siguientes razones describe por lo que usted siente que se le discriminó?

Raza/Color (Especifique) _____ Nacionalidad (Especifique) _____

Sexo (Especifique) _____ Edad (Especifique) _____

Incapacidad (Especifique) _____

¿En qué fecha(s) sucedió la discriminación? _____

Describa la presunta discriminación. Explique qué sucedió y quién cree usted que fue responsable (si necesita más espacio, agregue otra hoja).

Escriba una lista con los nombres de las personas que puedan tener conocimiento de la presunta discriminación y cómo contactarlas.

¿Ha presentado esta queja con otra agencia federal, estatal o local, o con cualquier corte federal o estatal? Marque todas las que apliquen.

Agencia Federal ☐ Corte Federal ☐ Agencia Estatal ☐
Corte Estatal ☐ Agencia Local ☐

Por favor proporcione información de la persona a la que presentó su queja en la agencia/corte.

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono(Casa): _____
Teléfono (Trabajo): _____

Por favor firme abajo. Puede anexar cualquier material escrito u otra información que usted crea que es relevante sobre su queja.

Firma de la Persona que presenta la queja Fecha

Número de Anexos: _____

Someta la forma y cualquier información adicional a:

ADOT Civil Rights Office Phone: 602.712.8946
Title VI Program Manager Fax: 602.239.6257
206 S. 17th Ave MD 155A
Phoenix, AZ 85007

SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)

Background

Recipients must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form shall be available on the recipient's website. A recipient's Title VI Complaint Form shall specify the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the procedure should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The sample below is provided for the purposes of guidance only.

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party: _____			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information			

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FTA C 4702.1B

of any witnesses. If more space is needed, please use the back of this form.		
Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____		
<input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name: _____		
Title: _____		
Agency: _____		
Address: _____		
Telephone: _____		
Section VI		
Name of agency complaint is against: _____		
Contact person: _____		
Title: _____		
Telephone number: _____		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature _____ Date _____

Please submit this form in person at the address below, or mail this form to:

City of USA Title VI Coordinator
1234 Center Street
City of USA, State 11111

WHO INVESTIGATES?

FTA

- If you are accused investigate yourself, but forward the report to ADOT.
- Neither FTA nor ADOT will investigate ANY complaints based on any non-federal protected classes.
- Have a process for sub-contractors (YOU should investigate)

FHWA

- If you are accused , DO NOT investigate yourself, forward the complaint to ADOT within 72 hours.
- Neither FHWA nor ADOT will investigate ANY complaints based on any non-federal protected classes.
- Have a process for sub-contractors (YOU should investigate)

COMPLAINT LOG-FHWA

FTA

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits;
- Complaints naming the recipient.

FHWA

- Case number
- Complainant
- Respondent
- Agency Filed With
- Date Filed
- Basis
- Date of Report
- Decision

[illegible]

COMPLAINT LOG- FTA

SAMPLE List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

COMPLYING WITH LIMITED ENGLISH PROFICIENCY REQUIREMENTS

The sub-recipient must provide written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, by the program/activity.

- If needed the sub-recipient may provide an interpreter for non-vital documents.



COMPLYING WITH LIMITED ENGLISH PROFICIENCY REQUIREMENTS

Sub-recipient's should describe how it reaches populations with Limited English Proficiency (LEP). This is often done through a Language Access Plan/Limited English Proficiency Plan. To Develop a LAP/LEP Plan the following steps may be used:

- ☐ Perform a Self-Assessment to determine which personnel interact with members of the public
- ☐ Identify LEP Populations State-wide using US Census data and American Survey data @ www.census.gov/acs/www/
- ☐ Conduct a Four Factor Analysis

Four Factor Analysis

Factor 1:

Number of LEPs eligible or likely to be encountered by your Federally funded program will be program-specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should ON EACH PROJECT, at a minimum, identify:

- How do LEP persons interact with the recipient's agency?
- Who are the LEP communities? How many are there?
- What is the level of the literacy skills of LEP populations in their native languages? Will translation of documents will be an effective practice?
- LEP persons are underserved by the recipient due to language barriers?

Four Factor Analysis

Factor 2:

The frequency with which LEP persons come into contact with the program. Recipients should survey key program areas and assess major points of contact with the public, such as:

- Participation in public meetings;
- Customer service interactions;
- Highway Construction surveys; and
- Operator surveys



Four Factor Analysis

Factor 3:

The nature and importance of the program, activity, or service provided by the program to people's lives. Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed.

Best Practice Consider facilitating meetings with LEP persons as a method to query customers on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

Four Factor Analysis

Factor 4:

The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach. Resource and cost issues can often be reduced by:

- technological advances,
- reasonable business practices, and the
- sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies.

However: Costs **IS NOT** a reasonable reason to justify an agency not using resources.

LEP COMPLIANCE STRATEGIES

- ☐ Publish community correspondences/notifications in languages other than English
- ☐ Use Multi-language phone lines
- ☐ Use Multilingual staff in information booths
- ☐ Use Pictograms/ “I Speak” Cards
- ☐ Advertise in ethnic media
- ☐ Translate vital documents into the language of frequently encountered LEP groups

PUBLIC PARTICIPATION PLAN

A plan designed to include outreach to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program Plan submission. The public participation plan should include other populations that are traditionally underserved, such as people with disabilities, low-income, and others.



PUBLIC PARTICIPATAION PLAN INCLUDES ...

- A written plan which engages the public with the opportunity to provide input on the decision making process for Federal Aid projects and services.
- Describe strategies, procedures, and outcomes for ongoing public participation activities.
- Provide education that highlights Title VI components.
- Advertisements with Local Media Resources and Minority Newspapers
- Direct Mailings
- Public Service Announcements
- Website, Radio and Television
- Identify other methods of Information including the Notice to the Public, fliers and brochures

COMPLIANCE AND ENFORCEMENT PROCEDURES

The sub-recipient should describe:

- ☐ How trends or patterns of discrimination are identified and eliminated.
- ☐ How compliance reviews of sub-recipients are conducted, how compliance is determined and enforced

REQUIREMENTS

- ☐ Submit the Implementation Plan/Goals and Accomplishments by August 1. (FHWA)
- ☐ Submit the Plan/Goals and Accomplishments at application deadline (FTA)
- ☐ Post the Plan on your website in an appropriate and easy to access location.
- ☐ MAKE SURE THE PLAN DOES NOT CONTAIN COMPLAINT LOGS.

GOALS AND ACCOMPLISHMENT REPORTS

The Implementation Plan is designed to be a process plan. Unless there are changes in the process, key personnel, or office, the Plan will likely not change from year to year but should be redrafted every three years.

However, a Goals and Accomplishment report should change yearly. It is designed to describe annual Title VI accomplishments, trainings, complaints and reviews. Additionally, the Goals and Accomplishment report should describe the goals and plans for the upcoming year.

GOALS AND ACCOMPLISHMENT REPORTS

The Goals and Accomplishment report should include the following information:

- Title VI-related training conducted both to sub-recipient staff and to Sub-recipients, identify attendees, results of training;
- If APPLICABLE Sub-Contractor Oversight
- Include a summary, disposition and status report on any Title VI complaints filed with the ADOT/FHWA/FTA/USDOT/USDOJ.
- Identify any actions that have been, or will be taken to address identified discrimination.

The Goals portion of this report should training sessions planned (both sub-recipient staff and Sub-recipients) any other Title VI related activities the sub-recipient anticipates for the upcoming year.

OVERSIGHT

COMING SOON!!

PROGRAM REVIEWS and TRAININGS

- **MPOs and COGs**
- **Transit Grant Recipients**

THANK YOU!

Afriika McKinnon

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